
State Water Resources Control Board

SUPPLEMENTAL NOTICE OF HEARING AND UPDATED SERVICE LIST

The State Water Resources Control Board
Administrative Hearings Office
Public Hearing to determine whether to adopt an Order imposing
Administrative Civil Liability for Alleged Failure to File a
Supplemental Statement of Water Diversion and Use for 2018 Diversions
Under the Water Right or Rights claimed in

Statement of Water Diversion and Use S000486 of James V. Simoni (“Respondent”)

The Public Hearing will commence on

July 24 at 9:30 am

and will be held by Zoom teleconference

TO ALL PARTIES:

CHANGE OF IN-PERSON HEARING TO TELECONFERENCE HEARING

Due to the on-going COVID-19 pandemic and the associated closure of the Cal EPA Building to the public, the AHO has changed the in-person hearing in this matter that was scheduled for July 8, 2020, to a Zoom teleconference hearing. The Zoom teleconference hearing will begin on **July 24, 2020, at 9:30 am**.

The teleconference hearing will be recorded electronically and the AHO will post audio-only and audio-plus-video files of the hearing on the AHO-FTP site after the hearing. To facilitate a clear understanding of who is speaking, the hearing officer will ask each person to identify himself or herself as necessary during the teleconference hearing. The AHO will not order a court reporter for this hearing. Any interested party may order a court reporter at his, her or its own expense.

To participate in this teleconference hearing, please use the following Zoom meeting link:

<https://waterboards.zoom.us/j/94389510082?pwd=ZFdEdENMV3lISHlJQnFBbFVGR3lXUT09> with Meeting ID: 943 8951 0082 and Password: 065154

E. JOAQUIN ESQUIVEL, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

Or dial in at: +1-669-900-9128,,94389510082#,,,,0#,,065154#

The Hearing Officer prefers that parties participate by both audio and video through the Zoom meeting link. If this is not possible, then the Hearing Officer will accept audio-only participations.

UPDATED SERVICE LIST

The State Water Resources Control Board, Administrative Hearings Office (“AHO”), has received a Notices of Intent to Appear for this hearing from representatives of the following parties:

- Division of Water Rights Prosecution Team
- James Simoni

Copies of these NOIs are attached to this notice.

As discussed in the April 15, 2020 Notice of Public Hearing, whenever any Party files any document besides exhibits and exhibit identification indices with the AHO in this matter, that Party shall send copies of the document to all of the other parties by e-mail, if possible, to the e-mail addresses listed in the attached service list. If e-mail service is not possible, then the Party shall mail copies of the document to the other parties at the mailing addresses listed in the attached service list. Please include the title of this proceeding, **James Simoni ACL Hearing**, in the subject line of any e-mails concerning this matter. The Division of Water Rights Prosecution Team shall send copies of all documents besides exhibits and exhibit identification indices it files with the AHO to Mr. Simoni by both e-mail and first-class mail.

The Parties shall file exhibit and exhibit identification indices with AHO: (1) by using one of the methods described in the April 15, 2020 notice, complete with a proof of service that complies with the requirements in that notice, or (2) by uploading documents to the AHO-FTP2 site, as described in the attached May 5, 2020 Notice of Availability of Administrative Hearings Office FTP sites. Parties may obtain the password for access to these FTP sites by following the procedure described in the May 5 notice. The Division of Water Rights Prosecution Team shall send copies of all exhibits and exhibit identification indices it uploads to AHO-FTP2 site to Mr. Simoni by first-class mail.

If a party cannot upload exhibits to the AHO-FTP2 site, then the party may mail its exhibits to the AHO at:

State Water Resources Control Board
Administrative Hearings Office
P. O. Box 100
Sacramento, CA 95812-0100

Alternatively, a party may send exhibits to the AHO by overnight delivery to:

Joe Serna Jr. CalEPA Building
State Water Resources Control Board
Administrative Hearings Office
c/o Water Rights Records Unit
1001 I Street, 2nd Floor, Room 114
Sacramento, CA 95814

The June 24 deadline for filing and service of any optional submittals of proposed testimony or exhibits before the hearing stated in the April 15, 2020 Notice of Public Hearing is changed to **July 22, 2020, at 4:00 pm**. Any Party that decides to mail paper copies of his, her or its exhibits to the AHO, or to send them to the AHO via overnight delivery (in lieu of uploading them to the AHO-FTP2 site), shall mail or send them early enough so that the AHO will receive them by this date and time.

Subject to legal limitations, including the requirements for Internet Web site accessibility in Government Code section 11546.7, the AHO has posted and will post all notices and other documents regarding this proceeding on the AHO's Internet webpage at https://www.waterboards.ca.gov/water_issues/programs/administrative_hearings_office/ Any interested party may sign up to receive all AHO notices at https://www.waterboards.ca.gov/resources/email_subscriptions/swrcb_subscribe.html. The AHO also has posted and will post all documents regarding this proceeding, including exhibits and exhibit identification indices, on the AHO's FTP site.

Except as expressly stated in this Supplemental Notice of Hearing and Updated Hearing List and the attached May 5 Notice of Availability of Administrative Hearings Office FTP sites, all provisions of the April 15, 2020 Notice of Public Hearing remain in effect.

Date: July 15, 2020 _____

SIGNATURE ON FILE _____
Alan B. Lilly
Presiding Hearing Officer

Enclosures:

- May 5, 2020 AHO Notice of Availability of FTP Sites
- Service List
- Prosecution Team NOI
- Simoni NOI

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State Water Resources Control Board

NOTICE OF AVAILABILITY OF ADMINISTRATIVE HEARINGS OFFICE FTP SITES

The Administrative Hearings Office (AHO) has created two File Transfer Protocol (FTP) sites for the purposes of making AHO Administrative Record files available to the public and allowing parties to transmit files to the AHO.

The two FTP sites can be accessed at <https://ftp.waterboards.ca.gov/> and are described here:

(1) Username: AHO-FTP

Anyone may download from this FTP site the Administrative Record documents that the AHO has uploaded for the pending proceedings listed on the AHO website. Only AHO personnel may upload files to this FTP site. The AHO's normal practice will be to post on this FTP site all Administrative Record documents for each pending proceeding. These documents will include documents AHO personnel have copied from the Division of Water Rights Records Unit's public files and exhibits and exhibit indices filed by parties to pending proceedings. The AHO will post these latter types of documents promptly after each filing deadline for such documents.

(2) Username: AHO-FTP2

Any party to a proceeding pending before the AHO may upload documents for the proceeding (primarily exhibits and exhibit identification lists) to this FTP site. No one besides AHO personnel may download or delete any files from this FTP site. The AHO will send supplemental hearing notices to parties to proceedings pending before the AHO, advising them of the new protocols for uploading exhibits and exhibit identification lists to this FTP site instead of serving them on the other parties.

To obtain authorization to access either of these FTP sites, please submit an email request to the AHO at EXEC-AdminHrgOffice@Waterboards.ca.gov with "Request for AHO ftp password" in the subject line. After receiving your e-mail request, the AHO will provide you with a password to access these FTP sites. It is not necessary to include other parties in the cc line for these e-mail requests.

Date: May 5, 2020

SIGNATURE ON FILE

Alan B. Lilly, Presiding Hearing Officer

E. JOAQUIN ESQUIVEL, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

SERVICE LIST

Mr. James V. Simoni
16180 Uvas Road
Morgan Hill, California 95037
jyslomalinda@verizon.net
(via e-mail and first-class mail)

Patrick D. Lewis
State Water Resources Control Board
Office of Enforcement
Patrick.lewis@waterboards.ca.gov
(via e-mail)